

**Tab 1**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DWAYNE J. SCOTT and DERELL J.  
MEYNARD, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET GROUP, INC.

Defendant.

Case No. 2:18-cv-00086-SJF-AKT

**DEFENDANT WHOLE FOODS MARKET GROUP, INC.'S  
RESPONSES AND OBJECTIONS TO PLAINTIFFS'  
PRE-CLASS CERTIFICATION REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Local Rules of the United States District Court of the Eastern District of New York ("Local Rules"), and the Order of the Honorable Sandra J. Feuerstein, USDJ filed on April 10, 2019 (ECF No. 19), the Defendant Whole Foods Market Group, Inc. ("Defendant" or "Whole Foods") hereby responds to the Pre-Class Certification Requests for Production of Documents served by Plaintiffs Dwayne J. Scott ("Scott") and Derell J. Meynard ("Meynard") as follows.

**GENERAL OBJECTIONS**

1. Whole Foods objects to each Request to the extent it seeks documents and information outside of the relevant statutory period of January 5, 2012 through April 27, 2012.
2. Whole Foods objects to these Requests to the extent they pertain to Plaintiff Scott on the grounds that (i) Plaintiffs' counsel has sought to withdraw from the representation of Scott and (ii) Scott is not a proper plaintiff to this litigation since Scott was not employed by Whole Foods during the relevant statutory period of January 5, 2012 through April 27, 2012.

**REQUEST NO. 17:**

Communications between Defendant and the New York State Department of Labor concerning any application for permission to pay manual workers less frequently than weekly under NYLL 191.

**RESPONSE TO REQUEST NO. 17:** Whole Foods objects to this Request as overly broad to the extent it seeks documents outside the relevant temporal scope. Whole Foods further objects to this Request as duplicative of Request No. 16. Subject to and without waiver of the general and foregoing objections, Whole Foods will produce its waiver application to the New York State Department of Labor seeking an application for a payroll frequency waiver and documents relating to the same.

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DEFENDANT WHOLE FOODS MARKET  
GROUP, INC.

By: /s/ Christopher M. Pardo  
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Dated: October 10, 2019

**CERTIFICATE OF SERVICE**

I, Christopher M. Pardo, counsel for Defendant Whole Foods Market Group, Inc., hereby certify that on October 10, 2019, the foregoing document was served by electronic mail only (per the agreement of the parties) upon counsel for Plaintiffs as follows:

Steven John Moser, Esq.  
Moser Employment Law  
3 School Street, Suite 207B  
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*smoser@moseremploymentlaw.com*

/s/ Christopher M. Pardo  
Christopher M. Pardo

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DWAYNE J. SCOTT and DERELL J.  
MEYNARD, individually and on behalf of all  
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WHOLE FOODS MARKET GROUP, INC.

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Case No. 2:18-cv-00086-SJF-AKT

**DEFENDANT WHOLE FOODS MARKET GROUP, INC.'S  
RESPONSES AND OBJECTIONS TO PLAINTIFFS'  
PRE-CLASS CERTIFICATION INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Local Rules of the United States District Court of the Eastern District of New York ("Local Rules"), and the Order of the Honorable Sandra J. Feuerstein, USDJ filed on April 10, 2019 (ECF No. 19), the Defendant Whole Foods Market Group, Inc. ("Defendant" or "Whole Foods") hereby responds to the Pre-Class Certification Interrogatories served by Plaintiffs Dwayne J. Scott ("Scott") and Derell J. Meynard ("Meynard") as follows.

**GENERAL OBJECTIONS**

1. Whole Foods objects to each Interrogatory to the extent it seeks information outside of the relevant statutory period of January 5, 2012 through April 27, 2012.
2. Whole Foods objects to these Interrogatories to the extent they pertain Plaintiff Scott on the grounds that (i) Plaintiffs' counsel has sought to withdraw from the representation of Scott and (ii) Scott is not a proper plaintiff to this litigation since Scott was not employed by Whole Foods during the relevant statutory period of January 5, 2012 through April 27, 2012.

Plaintiffs to the documents produced in response to Meynard's Request for Production of Documents related to its application to the New York State Department of Labor for a payroll frequency waiver, which identifies the individuals at Whole Foods that were involved in such application.

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DEFENDANT WHOLE FOODS MARKET  
GROUP, INC.

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